

Appl. No. 09/912,604
Amdt. dated November 18, 2005
Reply to Office action of August 24, 2005

REMARKS/ARGUMENTS

Applicants have received the Office Action dated August 24, 2005, in which the Examiner: 1) objected to claims 12-14 as being dependent upon a rejected base claim, but otherwise allowable; 2) rejected claims 1 and 2 under 35 U.S.C. § 103(a) as being obvious over Dell ("Optiplex GX1p Installation guide") in view of Sound Blaster ("Sound Blaster Live! Player 5.1 User Guide"), Baker (U.S. Pat. No. 6,185,627) and Voltz (U.S. Pat. No. 6,859,538); 3) rejected claims 3-11 and 15-20 as obvious over Dell in view of Sound Blaster, Baker, Voltz, and Live! Drive IR Quick Start ("Live! Drive IR"). Applicants traverse the rejections for the following reasons.

The Examiner rejected claim 1 as obvious over a combination of references including Voltz. To the extent Voltz qualifies as prior art, Voltz qualifies as prior art under 35 U.S.C. § 102(e). At the time the present invention was made, Voltz and the present application were commonly owned or subject to an obligation of common assignment. See attached "Patent Assignment Abstract of Title" pertaining to the Voltz patent printed from the Office's website. Per 35 U.S.C. § 103(c)(1), Voltz cannot be used in an obviousness rejection of claim 1. The other art of record does not satisfy the void left by Voltz. At least for this reason, claim 1 and all claims dependent thereon are allowable over the art of record.

The present Office Action is not clear as to whether Voltz is being relied on to reject claim 7. To the extent the Examiner is relying on Voltz, because Voltz cannot be used as prior art in an obviousness rejection of the present claims, the rejection of claim 7 is improper. However, regardless of whether the Examiner is relying on Voltz, the rejection of claim 7 is improper for at least another reason. Claim 7 requires "a switching circuit that transmits digital audio signals to a selected audio output connector depending on a state of a mute signal." The Examiner allegedly found this limitation on page 14 of the Live! Drive IR reference. Live! Drive IR fails to teach or even suggest, on page 14 or elsewhere, a "switching circuit" as well as a switching circuit that transmits "digital audio signals." Further, Applicants find no mention in Live! Drive IR of a "mute signal"

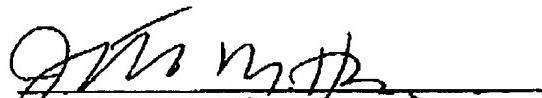
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as required in claim 7. At least for these reasons, claim 7 and all claims dependent thereon are allowable over the art of record.

The Examiner appears to have relied on Voltz in rejecting claim 15 as obvious. Because Voltz does not qualify as prior in rendering claim 15 obvious, claim 15 and all claims dependent thereon are allowable over the art of record.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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